

Case: 25Cl1:14-cv-00534-JAW Document #: 1 Filed: 08/19/2014 Page 1 of 8

**FILED**

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT  
JACKSON DIVISION**

BARBARA DUNN, CIRCUIT CLERK  
BY \_\_\_\_\_ D.C.

**CAROL HOBSON**

**PLAINTIFF**

**V**

**CAUSE NO.: 14-534**

**DOLGENCORP, LLC D/B/A  
DOLLAR GENERAL STORE NO. 7941  
and JOHN DOES I-V**

**DEFENDANTS**

**COMPLAINT**  
**(Trial By Jury Requested)**

**COMES NOW** the Plaintiff, Carol Hobson, by ant through her attorney, and files this her Complaint against the Defendants, Dolgencorp, LLC, d/b/a Dollar General Store No. 7941 and John Does I-V, and in support of the same, Plaintiff would should the following, to-wit:

**JURISDICTION**

**1**

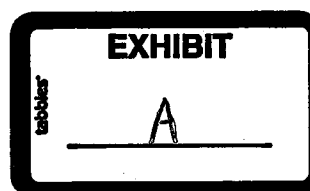
This Court has proper subject matter jurisdiction over this action. No other Court is vested with the exclusive subject matter jurisdiction of this action under the Constitution and Laws of the State of Mississippi and each of the claims of the Plaintiff set forth herein fall within the State of Mississippi's applicable Statute of Limitations.

**2.**

This Court may properly assert *in personam* jurisdiction over the Defendants. This Court has *in personam* jurisdiction of each of the Defendants by virtue of the following facts and law:

1. As to the above named Dolgencorp, LLC, d/b/a Dollar General Store No. 7941,, said Defendant is subject to the *in personam* jurisdiction of the Court by virtue of the fact that it did and/or does business within Hinds County, Mississippi, and said Defendant committed a tort in whole or in part in this state against the Plaintiff, as more fully set forth hereinafter.

1



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2. John Doe I-V Defendants are individuals or corporations whose identities cannot be determined at this time. These Defendants were agents or employees of the Defendants' at all relevant times. Plaintiff therefore sues said Defendant by such fictitious names. Plaintiffs will amend and insert the exact name and identity of each of the Defendant Does when ascertained.

### **VENUE**

3.

This court has venue of this action in that the acts complained of herein occurred materially within the Hinds County, Mississippi.

4.

The Plaintiff's claims accrued in whole or in part in the first judicial district of Hinds County, Mississippi. Some or all of these Defendants are foreign corporations, which have been and are currently engaged in business, directly or by authorized agent, in Hinds County. Thus, this Court has original Jurisdiction over the parties and subject matter Jurisdiction. Venue is proper in Hinds County, Mississippi, as the injuries of the Plaintiffs, caused by the wrongful acts and omissions of the Defendants, occurred in Hinds County, First Judicial District, Mississippi.

### **PARTIES**

5.

Plaintiff, Carol Hobson is an adult citizen of Hinds County, residing at 4609 Kirkley Drive, Jackson, Mississippi 39206.

6.

Defendant, Dolgencorp, LLC, d/b/a Dollar General Store No. 7941, is a foreign corporation organized and existing under the laws of the State of Mississippi with its principal place of business at 3957 Northview Drive, Jackson, Mississippi 39206 and may be served with

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process of this Court by service of the Summons and Complaint on its duly authorized and registered agent for service of process, to wit: Corporation Service Company, 506 South President Street, Jackson, Mississippi.

7.

Defendants John Does I-V whether singular or plural, are individuals, entities, corporations, firms or other persons whose identities are not yet known to the Plaintiff at this time, who will be named at a later date, but who caused the injuries and damages to Plaintiff, and/or are vicariously liable to the Plaintiff for damages. Plaintiff therefore sues said Defendant by such fictitious names. Plaintiffs will amend and insert the exact name and identity of each of the Defendant Does when ascertained.

#### **STATEMENT OF FACTS**

8.

On, or about May 29, 2014, Carol Hobson was a customer and invitee at the Dollar General Store No. 7491 located at 3957 Northview Drive, Jackson, Mississippi, 39206, when at said time and place she was stopped while shopping by a store employee and requested to turn over her purse to be searched by the employee. Plaintiff refused to do so, and was told by the employee that she was going to call the police. The store employee called for another employee, a male, to stay with Plaintiff while she called the police. Plaintiff was detained in the store, at the location where she had been stopped by the store employee until a policewoman arrived. The officer arrived and demanded Plaintiff's purse, and then searched it. After finding nothing, and returning Plaintiff's purse, the officer told Plaintiff that at the request of store management, she was banned from ever entering the store again.

9.

The accusations lodged against Plaintiff as being a shoplifter, her detention by store

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employee, and the search of her belongings by a police officer, were all done in the full view of the public, customers, other store invitees, and store employees.

**10.**

Prior to being charged and accused of being a shoplifter, Plaintiff had conducted herself as any law abiding customer of Defendant. Despite her lawful conduct as a customer and invitee of Defendant, Plaintiff was negligently, purposely, intentionally, and publically called into disrepute by being wrongfully accused of being a thief.

**CAUSE OF ACTION - DEFAMATION**

**11.**

Plaintiff re-states all prior paragraphs and incorporates such herein.

**12.**

Defendant, Dollar General, by and through its employees, is guilty of slanderous and libelous communication in accusing Plaintiff of shoplifting, in public view, to other store employees, and customers, without regard for the untruth of the statements and accusations.

**13.**

The Defendant, Dollar General, is liable to Plaintiff for all damages sustained as consequence of the aforesaid defamatory actions. Defendant, Dollar General's false and defamatory statements, at a minimum, amounts to gross negligence, and Defendant Dollar General is therefore liable to Plaintiff for damages sustained by her

**14.**

The Defendant's lifetime ban against Plaintiff is another public declaration against Plaintiff that is libelous, slanderous and defamatory, in that such an action clearly and unambiguously declares to the world that Plaintiff, without any proof whatsoever, committed a criminal act while on, and in the premises owned by Defendant.

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**15.**

This action by the Defendant has further defamed and humiliated Plaintiff, causing her to suffer humiliation, embarrassment, and mental anguish.

**16.**

As a result of these negligent acts, Plaintiff suffered and continues to suffer severe, irreparable injury.

**CAUSE OF ACTION – INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS AND OUTRAGE**

**17.**

Plaintiff re-states all prior paragraphs and incorporates such herein.

**18.**

Defendant Dollar General's intentional and unwarranted misconduct toward Plaintiff, described hereinabove is so outrageous as to shock the conscience.

**19.**

Due to the unlawful detention, accusation criminal shoplifting, and banning by Dollar General, Plaintiff has suffered severe physical and mental anguish and emotional distress, which was reasonably foreseeable by Defendant Dollar General, Plaintiff, and despite the passage of time, Plaintiff continues to have serious and painful difficulties due to the egregious mistreatment by Defendant Dollar General, all of which entitles Plaintiff to an award of damages against the Defendant.

**CAUSE OF ACTION – FALSE ARREST AND IMPRISONMENT**

**20.**

While attempting to conduct business as a customer and invitee at Dollar General, and having committed no crime whatsoever, Plaintiff was accused of a crime by Dollar General, and

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was falsely and unlawfully detained and imprisoned in the Dollar General Store, at the direction of one or more Dollar General store employees.

**21.**

Such actions were intentional or taken with such reckless disregard of Plaintiff's rights as to be deemed intentional in that wrongful detention and imprisonment of Plaintiff was made without proper inquiry, or investigation.

**22.**

Defendant Dollar General's actions in the detention, imprisonment, and banning of Plaintiff were malicious.

**23.**

The actions taken by Defendant Dollar General's employees violated the constitutional and civil rights of Plaintiff to be free in her person, as required by the First Amended, and also violated her rights to due process, such rights being enforceable through the civil rights statute 42 U.S.C. § 1983.

**24.**

The Defendant Dollar General is liable to Plaintiff for all damages sustained by her as a consequence of the aforesaid detention and imprisonment.

**DAMAGES**

**25.**

The Plaintiff prays that a judgment be entered in her favor against the Defendant as follows:

Compensatory damages against said Defendant, in such amount as may be set by the jury in this cause as reasonable compensation for the damages sustained by the Plaintiff as allowed under law in an amount in excess of the minimum jurisdictional limits of this Court; as follows:

- a. Acute and prolonged mental anguish and emotional distress;

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- b. Embarrassment, humiliation, and damage to reputation;
- c. Loss of freedom during her detention in Defendant's store;
- d. Physical pain and suffering during and after her unlawful detention and imprisonment.

**26.**

Punitive damages against Defendant Dollar General in an amount sufficient to punish said Defendant for its egregious conduct and to deter Defendant and other similarly situated from engaging in such conduct in the future.

**27.**

Further, a claim for attorney's fees for the bad faith actions taken by the Defendant, arising from Defendant's reckless disregard for Plaintiff's fundamental right to fair and equal treatment.

**WHEREFORE**, the Plaintiff demands judgment against Defendant as follows:

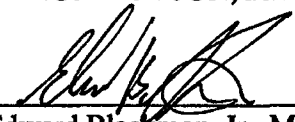
- a. That the Court enter judgment against Defendant for compensatory and punitive damages in an amount sufficient to compensate the plaintiff and to deter others from similar willful, wanton, and reckless disregard for the rights of others similarly situated, together with reasonable attorney's fees, pre-judgment and post judgment interest, and all costs of Court herein accruing.

THIS the 15<sup>th</sup> day of August, 2014.

Respectfully Submitted,

**CAROL HOBSON, PLAINTIFF**

BY:

  
Edward Blackmon, Jr., MSB #3354

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**OF COUNSEL:**

Barbara Martin Blackmon, Esq.  
Janessa E. Blackmon, Esq.  
BLACKMON & BLACKMON, PLLC  
Attorneys At Law  
907 West Peace Street  
Post Office Drawer 105  
Canton, Mississippi 39046  
Telephone: (601) 859-1567  
Facsimile: (601) 859-2311

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<b>COVER SHEET</b>		Court Identification Docket #		Case Year	Docket Number
<b>Civil Case Filing Form</b> (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">25</div> <div style="border: 1px solid black; padding: 2px;">1</div> <div style="border: 1px solid black; padding: 2px;">C0</div>	<div style="border: 1px solid black; padding: 2px;">2014</div>	<div style="border: 1px solid black; padding: 2px;">534</div>	<div style="border: 1px solid black; padding: 2px;"> </div>
		<div style="border: 1px solid black; padding: 2px;">08</div> <div style="border: 1px solid black; padding: 2px;">19</div> <div style="border: 1px solid black; padding: 2px;">14</div>	<div style="border: 1px solid black; padding: 2px;"> </div>		
		<div style="border: 1px solid black; padding: 2px;"> </div>	<div style="border: 1px solid black; padding: 2px;"> </div>		
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		Case Number if filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>HOLMES</u>		County <u>  </u>	Judicial District <u>  </u>
<b>Origin of Suit (Place an "X" in one box only)</b> <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
<b>Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form</b>					
<b>Individual</b> Last Name <u>HOBSON</u> First Name <u>CAROL</u> Maiden Name, if applicable <u>  </u> M.I. <u>  </u> Jr/Sr/III/IV <u>  </u> <input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: <u>  </u> <input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: <u>  </u> D/B/A or Agency <u>  </u>					
<b>Business</b> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: <u>  </u> D/B/A <u>  </u>					
<b>Address of Plaintiff</b> <u>4609 Kirkley Drive, Jackson, MS 39206</u>					
<b>Attorney (Name &amp; Address)</b> <u>Edward Blackmon, Jr., 907 West Peace Street, Canton, MS 39046</u> <b>MS Bar No.</b> <u>3354</u> <input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney <b>Signature of Individual Filing:</b> <u>[Signature]</u>					
<b>Defendant - Name of Defendant - Enter Additional Defendants on Separate Form</b>					
<b>Individual</b> Last Name <u>  </u> First Name <u>  </u> Maiden Name, if applicable <u>  </u> M.I. <u>  </u> Jr/Sr/III/IV <u>  </u> <input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: <u>  </u> <input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: <u>  </u> D/B/A or Agency <u>  </u>					
<b>Business</b> <u>Dolgencorp, LLC</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: <u>  </u> D/B/A <u>Dollar General Store No. 7941</u>					
<b>Attorney (Name &amp; Address) - If Known</b> <u>  </u> <b>MS Bar No.</b> <u>  </u>					
<b>Damages Sought:</b> Compensatory \$ <u>  </u> Punitive \$ <u>  </u> <input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
<b>Nature of Suit (Place an "X" in one box only)</b>					
<b>Domestic Relations</b> <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other <u>  </u>	<b>Business/Commercial</b> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other <u>  </u> <b>Probate</b> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other <u>  </u>	<b>Children/Minors - Non-Domestic</b> <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other <u>  </u> <b>Civil Rights</b> <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <u>  </u> <b>Contract</b> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <u>  </u> <b>Statutes/Rules</b> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other <u>  </u>	<b>Real Property</b> <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other <u>  </u> <b>Torts</b> <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other <u>Premises Liability</u>		

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IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT  
JACKSON DIVISION

CAROL HOBSON

PLAINTIFF

V

CAUSE NO.: 14-534

DOLGENCORP, LLC D/B/A  
DOLLAR GENERAL STORE NO. 7941  
and JOHN DOES I-V

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF HINDS

TO: Dolgencorp, LLC  
d/b/a Dollar General Store No. 7941  
Corporation Service Company, Registered Agent  
506 South President Street  
Jackson, Mississippi

NOTICE TO DEFENDANT(S)

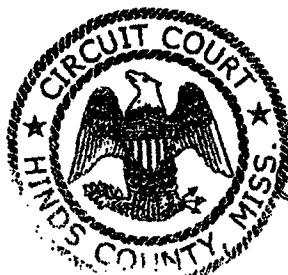
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT  
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Edward Blackmon, Jr., Esq. the attorney for the Plaintiff(s), whose address is 907 West Peace Street, Post Office Drawer 105, Canton, Mississippi 39046.

Your response must be mailed or delivered within (30) days from the date of this Summons and Complaint or Judgment by Default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 19 day of Aug, 2014.



Mrs. Barbara Dunn, Clerk  
Hinds County Circuit Court  
Post Office Box 327  
Jackson, MS 39205-0327

BY: 

D.C.

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**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT  
JACKSON DIVISION**

**CAROL HOBSON**

**PLAINTIFF**

**V**

**CAUSE NO.:** 14-534

**DOLGENCORP, LLC D/B/A  
DOLLAR GENERAL STORE NO. 7941  
and JOHN DOES I-V**

**DEFENDANTS**

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**IMPORTANT NOTICE**

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**PLEASE TAKE NOTICE:** The following discovery instrument(s) is/are being served along with this Summons and Complaint:


**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANTS**

PURSUANT TO MISSISSIPPI RULE, FURTHER NOTICE IS HEREBY GIVEN  
THAT THE ORIGINAL OF THIS DISCOVERY IS BEING RETAINED IN OUR FILES.

This the 15<sup>th</sup> day of August, 2014.

**CAROL HOBSON, PLAINTIFF**

BY:

  
**EDWARD BLACKMON, JR., MSB #3354**

**COUNSEL:**

**BLACKMON & BLACKMON, PLLC  
Attorneys At Law  
907 West Peace Street  
Post Office Drawer 105  
Canton, Mississippi 39046  
Telephone: (601) 859-1567  
Facsimile: (601) 859-2311**

COPELAND  
COOK  
TAYLOR &  
BUSH

September 12, 2014

Arthur S. Johnston, III, Clerk  
UNITED STATES DISTRICT COURT  
Southern District of Mississippi  
501 E. Court Street, Suite 2500  
Jackson, MS 39201

RE: *Carol Hobson vs. Dolgencorp, LLC d/b/a Dollar General Store No. 7941 and John Does 1-V*; In the United States District Court for the Southern District of Mississippi, Northern Division

Dear Mr. Johnston:

Enclosed please find an original and one copy of the Notice of Removal of this action to the United States District Court for the Southern District of Mississippi, Northern Division to be filed in the above referenced matter. Also enclosed is a Civil Cover Sheet and our firm check in the amount of \$400.00 for the filing fee. Please return a copy of the Notice to me stamped "filed" via the messenger delivering same.

Thank you for your assistance in this matter.

Sincerely yours,

COPELAND, COOK, TAYLOR & BUSH, P.A.

By: 

Dale G. Russell  
Adam V. Griffin

AVG:kbs  
Enclosures

cc: Edward J. Blackmon, Jr., Esquire (w/encl.)

JACKSON | RIDGELAND  
600 Concourse, Suite 100  
1076 Highland Colony Parkway  
Ridgeland, Mississippi 39157

P.O. Box 6020  
Ridgeland, MS 39158

Tel (601) 856-7200  
Fax (601) 856-7626

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